

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NETWORK APPS, LLC; KYLE SCHEI; and
JOHN WANTZ,

Plaintiffs,

-against-

AT&T INC., AT&T CORP., AT&T MOBILITY
LLC; and AT&T SERVICES, INC.,

Defendants.

Civil Action No. 21-cv-00718-KPF

**DECLARATION OF KYLE SCHEI
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

DECLARATION OF KYLE SCHEI
REDACTED VERSION

I, Kyle Schei, declare as follows:

1. I am a party to the above-entitled action. I have firsthand, personal knowledge of the facts set forth below, and if called as a witness, I could and would competently testify thereto.

2. My business partner John Wantz and I co-founded Mya Number, LLC (“Mya Number”) on or around October 4, 2012. Attached hereto as Exhibit A is a true and correct copy of the publicly available Articles of Incorporation of Mya Number, LLC that were filed with the Washington Secretary of State on October 4, 2012.

3. Mr. Wantz and I jointly invented the technology (the “Twinning Solution”) that would go on to become the subject of the Patent Number 9,438,728 (the “’728 Patent”) in connection with our work for Mya Number. On October 26, 2014, out of an abundance of caution, we assigned any rights we may have had in and to the Twinning Solution in our personal capacities to Mya Number Corp. (having converted from an LLC to a corporation pursuant to Articles of Entity Conversion we filed with the Washington Secretary of State on or around July 21, 2014). A true and correct copy of the assignment from Mr. Wantz and me to Mya Number Corp. is attached

hereto as Exhibit B. The assignment was in contemplation of a patent application we filed in the name of Mya Number Corp. with the USPTO the following day.

4. Developing the Twinning Solution, which allows users of smartphones, tablets, and wearable devices (e.g., smartwatches) to use the same telephone number seamlessly across all of their devices with separately provisioned phone numbers, was no easy task. Even AT&T was unable to create that solution in-house, so it turned to Mya Number to deliver the Twinning Solution and implement it on the AT&T network.

5. After Mr. Wantz and I effectuated the conversion of Mya Number, LLC into Mya Number Corp. as part of a reorganization in July 2014, I notified AT&T of the conversion via the communications attached hereto in true and correct form as Exhibits C and D. AT&T voiced no concerns in response.

6. In October of 2014, AT&T told a Mya Number contractor that it was pausing its efforts to launch NumberSync, which was AT&T's product incorporating the Twinning Solution. However, Mr. Wantz and I were included on emails regarding the scheduling of meetings to "Project 34," AT&T's internal codename for the Twinning Solution, which it would externally label "NumberSync," into November 2014 as reflected in the message attached hereto in true and correct form as Exhibit E. In addition, AT&T continued to require Mya Number to take steps to comply with its contractual obligations under the PSA, including the [REDACTED] obligations set forth in Section 2.3 of the Statement of Work and as reflected in the email I received from Ted Rickard of AT&T on December 8, 2014 attached hereto in true and correct form as Exhibit F.

7. AT&T executives continued to discuss the possibility of future projects with Mya Number in January 2015, as reflected in my email exchange with Edward Schmit dated January 12, 2015, a true and correct copy of which is attached hereto as Exhibit G.

8. By September 2015, having received no update on twinning or NumberSync from AT&T, Mr. Wantz, Mya Number, and I [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], a true and correct copy of which is attached hereto as Exhibit H.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

9. Mr. Wantz and I formed Network Apps, LLC on November 17, 2016. I am one of the beneficial owners of Network Apps, LLC. On November 30, 2016, we executed a “Plan of Complete Liquidation and Dissolution of Mya Number Corp., Inc. [sic]” (“Plan of Dissolution”), along with Mya Number’s only other shareholder. A true and correct copy of the Plan of Dissolution is attached hereto as Exhibit I. In addition, a true and correct copy of the “Unanimous Joint Consent Resolutions of the Board of Directors and Shareholders of Mya Number Corp., Inc. [sic] in Lieu of Special Meetings” is attached hereto as Exhibit J.

10. Attached hereto as Exhibit K is a true and correct copy of [REDACTED]

[REDACTED]

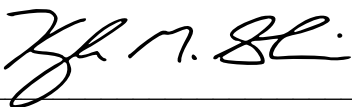
[REDACTED].

11. Mya Number has no due and outstanding debts owed to any of the creditors of Mya Number identified in the Release Agreement dated November 30, 2016 between Mya Number and its shareholders. Nor am I aware of any pending claims or actions against Mya Number seeking to collect any debt.

12. Attached hereto as Exhibit L is an accurate timeline of events relevant to the issues raised in AT&T's motion to dismiss.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 25 day of July, 2022 at Lincoln City, Oregon



Kyle Schei